<u>REMARKS</u>

This application has been carefully reviewed in light of the Office Action dated July 21, 2004 (Paper No. 12). Claims 1 to 51 and 88 to 92 are in the application, of which Claims 1, 51 and 91 are independent. Reconsideration and further examination are respectfully requested.

Before turning to the merits of the Office Action, four formal matters are addressed. First, although Applicants have received initialed forms PTO-1449 from four separate Information Disclosure Statements, a fifth Information Disclosure Statement was also filed. The fifth Information Disclosure Statement is dated October 9, 2003, and was filed the following day (i.e., on October 10, 2003). Consideration of the art cited in the October 9th Information Disclosure Statement is respectfully requested.

Second, a sixth Information Disclosure Statement (with fee) accompanies this Amendment. Consideration of the cited art is respectfully requested.

Third, formal drawings were filed in this application on May 9, 2000. Acknowledgment that the formal drawings have been approved is respectfully requested.

Fourth, references to co-pending applications at pages 1 and 19 have been updated to reflect application numbers which are now known.

Turning to the Office Action, Applicants thank the Examiner for her reformulation of the restriction requirement, and for her consideration of Claims 1 to 51 and 88 to 90 on the merits. Claims 52 to 87, which were withdrawn from further consideration pursuant to the restriction requirement have been cancelled, without

prejudice or disclaimer of subject matter and with reservation of Applicants' right to file a divisional application directed to these claims.

Claims 1 to 35 and 41 to 51 were rejected under 35 U.S.C. § 103(a) over U.S. Patent 5,754,184 (Ring), and the remaining claims under consideration were rejected over Ring in view of U.S. Patent 6,037,950 (Meir) or U.S. Patent 6,249,315 (Holm). The rejections are respectfully traversed.

The invention concerns transformation of color image data from a source device into color image data for rendering by a destination device. According to one technique known in the prior art, the color transform is stored as a mathematical model or as parameters/coefficients used in such a mathematical model. One drawback of this technique, as noted by the inventors at pages 5 and 6 of their specification, is that the mathematical model might become outdated with passage of time, or inferior to later-developed mathematical models.

According to one aspect of the invention, this drawback is addressed through construction of a color transform based on source device color characteristic data contained in a source color data file. For example, as explained in connection with Figure 6, in terms of one representative embodiment of the invention, source color image file 62 includes color data file 63 and color image data 64 (see, for example, dependent Claims 91 and 92). Preferably, the color data file 63 is stored in a pre-designated format, such as that shown in Figure 4 (see, for example, claims like Claims 35 to 40). As shown in Figure 4, this embodiment of the color characteristic data contains both measured colorimetric data 413 and corresponding device signal data 412 (see, for example, dependent Claim 2).

- 18 -

One benefit of a source color data file that contains source device color characteristic data is that a color transform can be constructed based on actual color characteristic data. Thus, when transforming color image data from a source device into color image data for rendering by a destination device, the transformation is not ordinarily constrained by a possibly obsolete mathematical transformation, since it is able to construct a source color transform based on the actual source device color characteristic data contained in the source color data file.

The applied art is not seen to disclose or to suggest the foregoing, and in particular is not seen to disclose or to suggest a color data file that contains source device color characteristic data based on which a color transform is constructed.

In entering the rejection over Ring, the Office Action conceded that "Ring does not directly teach that the source color data file [contains] source device color characteristic data". Based on disclosure found in Ring's Figure 5, and text found in Ring's columns 3 and 9, the Office Action concluded that such a feature would have been obvious for the reason that Ring teaches characterization models or transforms that can be obtained from a device manufacturer or measured based on viewing conditions. Applicants respectfully disagree.

Specifically, it is true that Ring teaches techniques for characterizing color devices, such as by measurement of color patches and the like. However, it is equally true that all of Ring's characterizing techniques are employed with the sole objective of providing a mathematical model. One example of Ring's mathematical model is found in the extensive discussion commencing at line 24 of column 6 and continuing through until

line 32 of column 8. Such a mathematical model might be based on source device color characteristic data, but it is not *per se* source device color characteristic data, and it most certainly is not source device color characteristic data contained in a source color data file.

Meir and Holm have both been reviewed, but they are not seen to add anything to the above-noted deficiencies of Ring. Specifically, neither Meir nor Holm contain any teaching concerning a source color data file that contains source device color characteristic data, with a source color transform being constructed based on the source device color characteristic data contained in the source color data file.
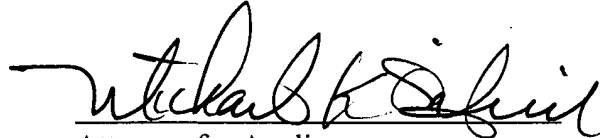
Reconsideration and withdrawal of the rejections are therefore respectfully requested.

New Claim 93 has been added to define a further aspect of Applicants' invention. According to this claim, a method for managing color data to transform source color image data from a source device into destination color image data for rendering by a destination device comprises a step of accessing a color data file corresponding to the source and/or destination device, the color data file containing device color characteristic data. A color transform is constructed based on the device color characteristic data, and the color transform is thereafter applied.

The applied art is not seen to disclose or to suggest a color data file that contains source and/or destination device color characteristic data based on which a color transform is constructed. Allowance of Claim 93 is therefore respectfully requested.

Applicants' undersigned attorney may be reached in our Costa Mesa,

California office at (714) 540-8700. All correspondence should continue to be directed to

our below-listed address.

Respectfully submitted,

Attorney for Applicants
Michael K. O'Neill
Registration No.: 32,622

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-2200
Facsimile: (212) 218-2200

CA_MAIN 88994v1